

REMARKS

I. Introduction

With the cancellation of claim 10 and the addition of new claims 11 to 21, claims 1 to 3, 9, and 11 to 21 are pending and being considered. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 1 to 3, and 9 Under 35 U.S.C. § 103(a)

Claims 1 to 3, and 9 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 7,121,061 (“Jazzar”) and U.S. Patent No. 5,671,582 (“Reay”). It is respectfully submitted that the combination of Jazzar and Reay does not render unpatentable the presently pending claims for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). In addition, as clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. See KSR Int’l Co. v. Teleflex, Inc., 127 S. Ct. 1727 (2007).

Claim 1, as presented, relates to a modular building system, comprising (a) *multiple portable pre-cast modules*, wherein each of the multiple modules include (i) structural steel mesh; (ii) cementitious mortar encasing the structural steel mesh; and (iii) *triangular indentations located along edges of the module and exposing portions of the structural steel mesh*; (b) metal plate connectors; and (c) *welds between the metal plate connectors and the exposed portions of the structural steel mesh thereby connecting adjacent modules*. Support for the amendments may be found in the Specification, e.g., at ¶¶ 11, 31, and 38 to 42; and Figures 1, 2, and 4.

The combination of Jazzar and Reay does not disclose, or even suggest, all of the claimed features of claim 1, as presented. Specifically, Jazzar does not disclose, or even suggest, the feature of *multiple portable pre-cast*

modules. Instead, Jazzar merely indicates “a monolithic reinforced concrete portion of a building ... having a horizontal width substantially equal to the wall length” and extending from floor to ceiling. (Jazzar, col. 2, lines 25 to 31 (emphasis added)). In addition, the monolithic concrete portion of Jazzar has “horizontal extents substantially equal to the selected room size.” (Jazzar, Abstract). Further, Jazzar explicitly states that “the joints [of Jazzar] between various concrete members are all in the floors and ceilings of finished rooms.” (Jazzar, col. 7, lines 45 to 47). Thus, the monolithic concrete portion of Jazzar is plainly not the same as a portable pre-cast module, and in fact, Jazzar explicitly teaches away from the feature of *multiple portable pre-cast modules*, as provided for in the context of claim 1, as presented.

In addition, Jazzar does not disclose, or even suggest, the feature of *triangular indentations located along edges of the module and exposing portions of the structural steel mesh*. Instead, although Jazzar indicates a slab 42 having notches, the ends of reinforcing members are situated between the notches but not exposed by the notches. (Jazzar, col. 6, lines 35 to 38). Indeed, the Office Action admits that “Jazzar does not expressly disclose indentations ... exposing portions of said structural steel mesh.” (Office Action, p. 3). Thus, Jazzar does not disclose, or even suggest, the feature of *triangular indentations located along edges of the module and exposing portions of the structural steel mesh*, as provided for in the context of claim 1, as presented.

Further, Jazzar does not disclose, or even suggest, the feature of *welds between the metal plate connectors and the exposed portions of the structural steel mesh thereby connecting adjacent modules*. Jazzar merely indicates unset concrete to connect wall members. (See e.g. Jazzar, col. 6, lines 40 to 42). Nowhere does Jazzar disclose metal plate connectors, or welds between metal plate connectors and exposed portions of structural steel mesh. Therefore, Jazzar does not disclose, or even suggest, the feature of *welds between the metal plate connectors and the exposed portions of the structural steel mesh thereby connecting adjacent modules*, as provided for in the context of claim 1, as presented.

In addition, Reay does not disclose, or even suggest, the features of *multiple portable pre-cast modules, triangular indentations located along edges of the module and exposing portions of the structural steel mesh, and welds between the metal plate connectors and the exposed portions of the structural steel mesh thereby connecting adjacent modules*. Instead, Reay merely indicates side slab

walls 3 that span at least one storey, since the side slab walls 3 include at least one cavity 6 to attach a floor slab 2. (Reay, col. 1, lines 45 to 65). Thus, nowhere does Reay disclose multiple portable pre-cast modules. Also, Reay merely indicates cavities 6 on an inner surface 7 of the wall 3. (Reay, col. 2, lines 43 to 45). Thus, nowhere does Reay disclose triangular indentations located along edges of the module. Further, Reay merely indicates four different tie bars connected by pins 11, washers, nuts, or inter-engagement with the shaped steel bar 8. (Reay, col. 2, line 63 to col. 3, line 35). Thus, nowhere does Reay disclose welds between the metal plate connectors and the exposed portions of the structural steel mesh. Accordingly, Reay does not disclose, or even suggest, the features of *multiple portable pre-cast modules, triangular indentations located along edges of the module and exposing portions of the structural steel mesh, and welds between the metal plate connectors and the exposed portions of the structural steel mesh thereby connecting adjacent modules*, as provided for in the context of claim 1.

Accordingly, it is respectfully submitted that the combination of Jazzar and Reay does not disclose, or even suggest, all of the features included in claim 1, as presented. Therefore, it is respectfully submitted that the combination of Jazzar and Reay does not render unpatentable claim 1 for at least the foregoing reasons.

Thus, as for claims 2, 3 and 9, which depend from claim 1 and therefore include all of the features included in claim 1, it is respectfully submitted that the combination of Jazzar and Reay does not render unpatentable these dependent claims for at least the reasons more fully set forth above.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

III. New Claims 11 to 21

New claims 11 to 21 have been added herein. It is respectfully submitted that claims 11 to 21 add no new matter and are fully supported by the present application, including the Specification. Since claims 11 to 21 depend from claim 1, it is respectfully submitted that claims 11 to 21 are patentable over the references relied upon for at least the reasons more fully set forth above in support of the patentability of claim 1.

IV. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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